



Wesley Phillips

reaction

qi President Saddam Hussein should be stopped from taking over more countries.

"I don't think we should sit by and watch another country be taken over," said Dawn Stuart, 27, of Derry. "I think he (Bush) is doing OK because I think we have to take a step towards letting other countries see that we're LOCAL, Page 2

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important to all Iraqis. Seventeen-and-a-half-million Iraqis feel the same way I do. We were all born and brought up to believe that."

A Windham resident, formerly of Palestine, who did not want his name printed, said though the invasion seems ominous, its importance diminishes the more

Smart hearing set for Monday

Could be released from jail

By FRANCIS RICHARDSON

Derry News Staff

Pamela Wojas Smart, accused of planning her husband's murder with her alleged 16-year-old lover, could be released from jail as early as Monday.

In response to a request filed by defense attorneys Paul Twomey and Mark Sisti of Chichester, a bail hearing has been slated for Monday at 9 a.m. at the Rockingham Superior Court in Exeter.

Meanwhile, a county grand jury began hearing cases Tuesday and a clerk at the superior court said the Smart case was on the agenda. The jury's sitting will end Tuesday or Wednesday, she said.

Smart, a former Derry resident, is accused of planning the May 1 murder of her husband, Gregory, along with three Sea-



Pamela Smart

brook teens she knew from her work as media coordinator for the Hampton school district where the teens attended Winnacunnet High School.

Smart was arrested Aug. and charged with being an accomplice to first-degree murder, which carries a life sentence without parole. She has SMART, Page 3

Council OK's \$1.1M in building projects

...to receive traffic light

Smart bail hearing set for Monday

■ SMART

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since been detained at the state women's facility in Goffstown.

The teens, who are not being identified because of state laws protecting juveniles, have been in custody since they were arrested June 11. They are currently being held at the Youth Services Center in Concord while the state attempts to have them tried as adults.

Smart was quarantined in the jail until Wednesday and only immediate family members could visit. She has since been assigned to a wing of the prison, where she can make phone calls, but only receive her choice of visitors on weekends.

Twomey and Sisti mailed four motions Monday to the superior court. They asked grand jury members be thoroughly interviewed before they hear Smart's case; the grand jury proceedings be recorded; a date be set for a bail hearing; and that members of the jury understand the definition of first-degree murder, meaning the evidence they see must prove the murder was planned.

According to an affidavit released Wednesday after Smart's arrest and arraignment, Derry Police have the gun believed to have been used in their murder, a glove believed to have been dropped by one of the teens outside the Smarts' Misty Morning Drive condominium, where the murder occurred, and a kitchen

knife believed to have been taken from the home by one of the suspects.

Superior Court Judge Douglas Gray recently denied Twomey and Sisti's request to move Smart's probable-cause hearing to earlier than the already-scheduled Aug. 20 date. The defense lawyers said they fought for an early hearing because they wanted a chance to air the state's evidence in public before a county grand jury hands down indictments from its August sitting.

If the jury indicts Smart, the probable-cause hearing would be canceled.

Assistant Attorney General Cynthia White, who is prosecuting the case, said she would review the defense's motions before presenting the evidence to the grand jury.

She has also accused Smart of wasting the court's time and limited resources and posed an uncommon request that Smart pay for the legal costs for "frivolous pleadings."

Meanwhile, the state is trying to certify the teens as adults, allowing one to be tried for committing first-degree murder and the other two minors as accomplices to first-degree murder. Both charges are punishable by life in prison without parole.

Police, attorneys, and relatives of the suspects are not tipping their hand as to the date of the certification hearing.

According to the affidavit released Wednesday after

Smart's arraignment at the Derry District Court, police have testimony that Pamela Smart had a love affair with the suspect they name as William F. A press release from the assistant attorney general's office identifies him as the minor who fired the fatal bullet into Gregory Smart's head.

The affidavit used to obtain a warrant for Smart's arrest, said she wanted her husband killed because she wanted to end their relationship and was afraid if she did so, he would take everything, including the dog and the furniture.

One of the minors held Smart down while William F., shot him, and the other teen got him the gun and drove the getaway car, according to Ralph Welch, a Seabrook youth who described himself as best friends with the three, now in custody at the Youth Detention Center in Concord.

During Monday's show-cause hearing, Smart's attorneys questioned the credibility of witnesses who gave police the testimonies in the affidavit, as well as the tactics used by police to obtain the testimonies implicating their client.

"This affidavit is nothing more than frivolous hearsay," Sisti said Monday. "If you ruled for a probable-cause hearing today, she'd be outside of her cell."

When asked how Smart was doing in prison, Sisti said, "she wants out, just like everyone else in jail."